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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

S7 16 CR 436 (KMW)

6 JAMES DAVID WILLIAMS,

7 Defendant.
-----x

8 New York, N.Y.
9 March 22, 2018
10 11:15 a.m.

12 Before:

13 HON. KEVIN N. FOX,
14 Magistrate Judge

15 APPEARANCES

16 GEOFFREY S. BERMAN
17 Interim United States Attorney for the
18 Southern District of New York

KATHERINE REILLY
17 Assistant United States Attorney

18 ANTHONY CECUTTI
19 Attorney for Defendant

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1 THE DEPUTY CLERK: United States v. James David
2 William. Counsel, please state your name for the record.

3 MS. REILLY: Good morning, your Honor. Katherine
4 Reilly for the government.

5 MR. CECUTTI: Good morning. Anthony Cecutti for
6 Mr. James David Williams.

7 THE COURT: Good morning. Is there an application on
8 behalf of Mr. Williams?

9 MR. CECUTTI: Yes, your Honor. At this time
10 Mr. Williams would like to proceed with entering a guilty plea
11 pursuant to an agreement with the government.

12 THE COURT: Will you swear the defendant and proceed
13 with the waiver.

14 THE DEPUTY CLERK: Yes. You are James David Williams?

15 THE DEFENDANT: Yes, I am.

16 (Defendant sworn)

17 THE DEPUTY CLERK: Have you signed this waiver of
18 indictment?

19 THE DEFENDANT: Yes, I have.

20 THE DEPUTY CLERK: Before you signed it, did you
21 discuss it with your attorney?

22 THE DEFENDANT: Yes.

23 THE DEPUTY CLERK: Did your attorney explain it to
24 you?

25 THE DEFENDANT: Yes, he did.

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1 THE DEPUTY CLERK: Do you understand what you are
2 doing?

3 THE DEFENDANT: Yes.

4 THE DEPUTY CLERK: Do you understand that you are
5 under no obligation to waive indictment?

6 THE DEFENDANT: Yes.

7 THE DEPUTY CLERK: Do you understand that if you do
8 not waive indictment, if the government wants to prosecute you,
9 they will have to present this case to a grand jury, which may
10 or may not indict you?

11 THE DEFENDANT: Yes.

12 THE DEPUTY CLERK: Do you understand that by signing
13 this waiver of indictment, you have given up your right to have
14 this case presented to a grand jury?

15 THE DEFENDANT: Yes.

16 THE DEPUTY CLERK: Do you understand what a grand jury
17 is?

18 THE DEFENDANT: Yes, I do.

19 THE DEPUTY CLERK: Have you seen a copy of the
20 information?

21 THE DEFENDANT: Yes.

22 THE DEPUTY CLERK: Do you waive its public reading?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: Mr. Williams, your attorney has indicated
25 that you wish to tender a plea this morning to information

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1 S7 16 CR 436.

2 You have a right to have the proceeding this morning
3 presided over by a district judge. You may, if you wish,
4 consent to have a magistrate judge preside at this morning's
5 proceeding. In that connection, I have before me a document
6 which is labeled "Consent to Proceed Before a United States
7 Magistrate Judge On a Felony Plea Allocution." I shall show
8 you the document.

9 Do you recognize it, sir?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: Did you have an opportunity to review it
12 with your attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: Is there anything contained in the consent
15 form that you do not understand?

16 THE DEFENDANT: No.

17 THE COURT: Do you acknowledge that the consent form
18 explains in greater detail what I mentioned to you a moment ago
19 about your right to have this morning's proceeding presided
20 over by a district judge, and further, by signing the document
21 you are agreeing that a magistrate judge may preside at this
22 morning's proceeding?

23 THE DEFENDANT: Yes.

24 THE COURT: Is your true signature on the consent
25 form?

I3M3WILP

Plea

1 THE DEFENDANT: Yes, it is.

2 THE COURT: Did anyone force you to sign the document?

3 THE DEFENDANT: No, they did not.

4 THE COURT: Let me turn my attention to your counsel.

5 Is your signature also on the consent form?

6 MR. CECUTTI: Yes, your Honor.

7 THE COURT: Very well. I shall sign the consent form
8 and we shall continue.

9 Mr. Williams, will you state your full name.

10 THE DEFENDANT: James David Williams.

11 THE COURT: In the last 24 hours, have you consumed
12 any medicine, alcohol or drugs that would affect your ability
13 to understand what you are doing here today?

14 THE DEFENDANT: No, I have not.

15 THE COURT: Are you under the care of a physician or
16 psychiatrist for any condition?

17 THE DEFENDANT: No.

18 THE COURT: Have you ever been treated for alcoholism
19 or drug addiction?

20 THE DEFENDANT: No, I have not.

21 THE COURT: Do you feel all right today?

22 THE DEFENDANT: Yes.

23 THE COURT: What is the extent of your education, sir?

24 THE DEFENDANT: Through two years of college.

25 THE COURT: You indicated a few moments ago that you

I3M3WILP

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had received a copy of information S7 16 CR 436, and did not wish to have it read to you in open court.

Do you understand what it says that you did through the information?

THE DEFENDANT: Yes, I do.

THE COURT: Have you had sufficient opportunity to speak with your attorney about the charges contained in the information and how you wish to plead today?

THE DEFENDANT: Yes, I have.

THE COURT: Are you satisfied with the assistance that your attorney has rendered to you in connection with this matter?

THE DEFENDANT: Yes.

THE COURT: Are you ready to plead to information S7 16 CR 436?

THE DEFENDANT: Yes.

THE COURT: What is your plea, sir, guilty or not guilty?

THE DEFENDANT: Guilty.

THE COURT: If you are not a United States citizen, your plea of guilty to the offenses set forth in the information, which are felony offenses, may affect adversely your ability to remain within the United States.

Do you understand?

THE DEFENDANT: Yes.

I3M3WILP

Plea

1 THE COURT: Because the offenses to which you are
2 tendering a plea of guilty are felony offenses, you may be
3 giving up certain valuable civil rights that you possess by
4 tendering a plea guilty to the charges contained in the
5 information. Among those civil rights that you may be giving
6 up are the following: The right to vote, the right to hold
7 public office, the right to serve on a jury, the right to
8 possess any kind of firearm, including rifles and shotguns, the
9 right to be considered for certain types of employment, and the
10 right to possess or obtain certain professional licenses.

11 Do you understand, sir?

12 THE DEFENDANT: Yes.

13 THE COURT: I have to ensure that your plea of guilty
14 is being made knowingly and voluntarily, so I shall be asking
15 you additional questions.

16 I want to ensure that you understand the nature of the
17 charges made against you through the information.

18 Count One of the information charges a violation of
19 Title 18, United States Code, Section 1343, which makes it an
20 offense for a person to commit fraud using wires, electronic
21 communications.

22 The law provides as a maximum penalty for the offense
23 set forth at Count One of the information the following: A
24 maximum term of imprisonment of 20 years, a maximum term of
25 supervised release of three years, a maximum fine pursuant to

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Plea

1 Title 18, United States Code, Section 3571, of the greatest of
2 \$250,000, twice the gross pecuniary gain derived from the
3 offense or twice the gross pecuniary loss to persons other than
4 yourself resulting from the offense, and a \$100 mandatory
5 special assessment.

6 If you're sentenced to a term of supervised release
7 and violate the terms and conditions of that supervised release
8 such that it is revoked, you expose yourself to serving in
9 prison all or part of the term of supervised release authorized
10 by statute for the offense that resulted in such term of
11 supervised release, without credit for time previously served
12 on post-release supervision.

13 Sir, do you understand the nature of the charge made
14 against you at Count One of the information?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Do you also understand the range of
17 penalties, including the maximum sentence, to which you are
18 potentially exposing yourself by your plea of guilty to Count
19 One of the information?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Count Two of the information charges
22 violation of Title 18, United States Code, Section 1344, which
23 makes it an offense for a person to commit bank fraud.

24 The law provides as a maximum penalty for the offense
25 set forth at Count Two of the information the following: A

I3M3WILP

Plea

maximum term of imprisonment of 30 years, a maximum term of supervised release of five years, a maximum fine pursuant to Title 18, United States Code, Section 3571, of the greatest of \$1 million, twice the gross pecuniary gain derived from the offense or twice the gross pecuniary loss to persons other than yourself resulting from the offense, and a \$100 mandatory special assessment.

If you are sentenced to a term of supervised release in connection with Count Two of the information and violate the terms and conditions such that supervised release is revoked, the same consequences would befall you as I discussed with you when we were talking about Count One of the information, so I shall not repeat that to you.

Sir, do you understand the nature of the charge made against you at Count Two of the information?

THE DEFENDANT: Yes, I do.

THE COURT: Do you understand the range of penalties, including the maximum sentence, to which you are potentially exposing yourself by your plea of guilty to Count Two of the information?

THE DEFENDANT: Yes.

THE COURT: Count Three of the information charges a violation of Title 18, United States Code, Section 1001, which makes it an offense for a person to make false material statements in connection with a matter before the Executive

13M3WILP

Plea

1 Branch of the government.

2 The law provides as a maximum penalty for the offense
3 set forth at Count Three of the information the following: A
4 maximum term of imprisonment of five years, a maximum term of
5 supervised release of three years, a maximum fine pursuant to
6 Title 18, United States Code, Section 3571, of the greatest of
7 \$250,000, twice the gross pecuniary gain derived from the
8 offense or twice the gross pecuniary loss to persons other than
9 yourself resulting from the offense, and a \$100 mandatory
10 special assessment.

11 Again, if you are sentenced to a term of supervised
12 release and violate the terms of the supervised release such
13 that it is revoked, the consequences that I reviewed with you
14 when discussing Count One would befall you, so I shall not
15 repeat them to you.

16 Sir, do you understand the nature of the charge made
17 against you at Count Three of the information?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Do you understand the range of penalties,
20 including the maximum sentence, to which you are potentially
21 exposing yourself by a plea of guilty to Count Three of the
22 information?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: In addition to the offenses that are
25 outlined in information S7 16 CR 436, the information also

13M3WILP

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1 contains two forfeiture allegations through which the
2 government has indicated it will seek to recoup from you the
3 proceeds of illegal conduct described in the information.

4 Are you aware that the information contains two
5 forfeiture allegations, sir?

6 THE DEFENDANT: Yes.

7 THE COURT: In addition to the penalties for the
8 offenses that I indicated to you when we were discussing Counts
9 One, Two, and Three of the information, in connection with the
10 sentence to be imposed upon you, you may be subject to an order
11 of restitution pursuant to Title 18, United States Code,
12 Sections 3663, 3663(a), and 3664.

13 Do you understand, sir?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that you have a right to
16 plead not guilty and to persist in that plea?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that you have a right to
19 have a jury trial on the charges contained in the information?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that if you plead not
22 guilty and go to trial, the burden would be upon the government
23 to prove that you were guilty beyond a reasonable doubt?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Do you understand that at a trial you

I3M3WILP

Plea

would be presumed innocent until the government proved your guilt beyond a reasonable doubt?

THE DEFENDANT: Yes.

THE COURT: Do you understand that at such a trial and at every other stage of the proceedings, you would have the right to be represented by an attorney, and if necessary, the Court would appoint an attorney to represent you?

THE DEFENDANT: Yes.

THE COURT: Do you understand that at a trial you would have the right to testify, to confront and question any witnesses who would testify against you, and the right not to incriminate yourself, that is, you do not have to be a witness against yourself?

THE DEFENDANT: Yes.

THE COURT: Do you understand that at a trial you would be entitled to present evidence, to call witnesses to testify, and to compel the attendance of witnesses?

THE DEFENDANT: Yes.

THE COURT: Do you also understand that if you plead guilty, there will be no trial of any kind, so that you give up your trial rights, and the only remaining step would be for the assigned district judge to sentence you?

THE DEFENDANT: Yes.

THE COURT: Sir, are you certain that you understand the nature of the charges to which you are pleading?

I3M3WILP

Plea

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Are you certain that you understand the
3 range of penalties, including the maximum sentence, to which
4 you are potentially subjecting yourself by your plea?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that the sentencing
7 judge may be obligated to impose a special assessment on you?

8 THE DEFENDANT: Yes.

9 THE COURT: Have you and your attorney talked about
10 how the sentencing commission guidelines, which are advisory
11 only, might inform the sentence to be imposed upon you?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that in determining your
14 sentence, the sentencing judge is obligated to calculate the
15 applicable sentencing guidelines range and possible departures
16 under the sentencing guidelines?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that, in addition to the
19 factors outlined in the sentencing commission guidelines, the
20 sentencing judge will also consider factors that are set forth
21 at 18 U.S.C. Section 3553 in determining what an appropriate
22 sentence might be for you?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that parole has been
25 abolished, and if you are sentenced to prison you will not be

I3M3WILP

Plea

1 released on parole?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that the answers you
4 give to me today under oath may in the future be used against
5 you in a prosecution for perjury or false statement if you do
6 not tell the truth to the Court?

7 THE DEFENDANT: Yes.

8 THE COURT: What are the elements of the offenses set
9 forth in the information?

10 MS. REILLY: Your Honor, Count One of the superseding
11 information charges the defendant with wire fraud. The first
12 element of that offense is that there was a scheme or artifice
13 to defraud or to obtain money or property by materially false
14 and fraudulent pretenses, representations or promises. The
15 second element is that the defendant knowingly and willfully
16 participated in the scheme or artifice to defraud with
17 knowledge of its fraudulent nature and specific intent to
18 defraud. And the third element is that in the execution of
19 that scheme, the defendant used or caused the use of the
20 interstate or international wires.

21 The second count charges the defendant with bank
22 fraud. That has three elements. First, that the defendant
23 knowingly executed a scheme or artifice to defraud a financial
24 institution by means of materially false or fraudulent
25 pretenses, representations or promises; second, that the

I3M3WILP

Plea

1 defendant acted with the intent to defraud; and third, that the
2 financial institution in question was FDIC insured.

3 Count Three charges the defendant with making false
4 statements. That has five elements. First, that on or about
5 the dates alleged in the superseding information, the defendant
6 made a statement or representation; second, that those
7 statements or representations were material; third, that the
8 statements or representations were false, fictitious or
9 fraudulent; fourth, that the statements or representations were
10 made knowingly and willfully; and fifth, that the statements or
11 representations were made in a manner within the jurisdiction
12 of the government of the United States.

13 THE COURT: Thank you.

14 Mr. Williams, having heard the elements of the
15 offenses set forth in information S7 16 CR 436, is it still
16 your desire to tender a plea of guilty?

17 THE DEFENDANT: Yes.

18 THE COURT: Sir, have any threats been made against
19 you by anyone to influence you to plead guilty?

20 THE DEFENDANT: No.

21 THE COURT: Have any promises been made to you
22 concerning the sentence that you will receive?

23 THE DEFENDANT: No.

24 THE COURT: I understand that you and your attorney
25 and representatives of the government have reached certain

I3M3WILP

Plea

1 agreements and understandings in connection with your tender of
2 a plea of guilty. Those agreements and understandings have
3 been reduced to a writing, specifically a letter dated
4 March 12, 2018, addressed to Anthony Cecutti, your attorney. I
5 have a copy of that document before me which I shall show you.

6 Do you recognize the document, sir?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: Did you have an opportunity to review it
9 with your attorney?

10 THE DEFENDANT: Yes.

11 THE COURT: Is there anything contained in the
12 document that you do not understand?

13 THE DEFENDANT: No.

14 THE COURT: I understand that previously you tendered
15 a plea of guilty to an information S4 16 CR 436 to six counts
16 recited in that information. And that plea proceeding occurred
17 in September 2017.

18 Do you remember that proceeding, sir?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you remember tendering a plea of guilty
21 to the information S4 16 CR 436?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you acknowledge that, having pled
24 guilty to that information, S4 CR 436, that you stand by that
25 plea to the information?

I3M3WILP

Plea

1 THE DEFENDANT: Yes, I do.

2 THE COURT: With respect to the March 12, 2018 writing
3 about which we were speaking a few moments ago, there is text
4 in that writing through which you commit to making payments --
5 excuse me. Filing with the Internal Revenue Service amended
6 tax returns for the years 2002 through 2016, and that you will
7 thereafter pay or enter into an agreement to pay past due taxes
8 owed to the Internal Revenue Service.

9 Are you aware that that text is included in the
10 March 12, 2018 writing?

11 MS. REILLY: Your Honor, if I might just interrupt.
12 My apologies. The version of the agreement that we sent over
13 to the Court last week in advance of the proceeding included
14 that provision. We've since amended it, and the copy that was
15 signed today requires the filing of amended tax returns for the
16 years 2011 through and including 2016.

17 THE COURT: Are there any other changes to the
18 document that was provided to me?

19 MS. REILLY: That is the only change, your Honor.

20 THE COURT: All right. Mr. Williams, did you hear the
21 modification that was just indicated to me exists, that is a
22 modification to a previous document which now exists in the
23 March 12, 2018 document?

24 THE DEFENDANT: Yes.

25 THE COURT: You are aware that that text, as indicated

13M3WILP

Plea

1 by the prosecutor here, is in the March 12, 2018 writing?

2 THE DEFENDANT: Yes.

3 THE COURT: There is also text in the March 12, 2018
4 writing through which you agree to make restitution in an
5 amount to be determined by the Court. Are you aware that the
6 document contains such text, sir?

7 THE DEFENDANT: Yes.

8 THE COURT: There is also text in the March 12, 2018
9 writing through which you admit the forfeiture allegations
10 which I highlighted to you that are contained in the
11 information S7 16 CR 436, and also forfeiture allegations that
12 are applicable to the information S4 16 CR 436.

13 Are you aware that that text is included in the
14 March 12, 2018 writing?

15 THE DEFENDANT: Yes.

16 THE COURT: There is also text in the March 12, 2018
17 writing that explains that the sentence to be imposed upon you
18 is left solely to the discretion of the sentencing judge. Are
19 you aware that such text is contained in the document?

20 THE DEFENDANT: Yes.

21 THE COURT: There is also text in the March 12, 2018
22 writing that constricts your ability to appeal from or
23 collaterally attack the judgment of conviction or sentence that
24 will be imposed upon you. Are you aware of that, sir?

25 THE DEFENDANT: Yes.

I3M3WILP

Plea

1 THE COURT: Other than the agreements and
2 understandings that you and your attorney and representatives
3 of the government have made and reached that are outlined in
4 the March 12, 2018 writing about which we have been speaking,
5 have any other agreements or understandings been made or
6 reached with you in connection with your tender of a plea of
7 guilty to information S7 16 CR 436?

8 THE DEFENDANT: No.

9 THE COURT: I want to show you the last page of the
10 March 12, 2018 writing.

11 Is your true signature on that page, sir?

12 THE DEFENDANT: Yes, it is.

13 THE COURT: Did anyone force you to sign the document?

14 THE DEFENDANT: No.

15 THE COURT: Let me turn my attention to your counsel
16 again.

17 Is your signature also at the last page of the
18 document?

19 MR. CECUTTI: Yes, your Honor.

20 THE COURT: Have representatives from the government
21 also signed the last page of the document?

22 MS. REILLY: Yes, your Honor.

23 THE COURT: Mr. Williams, is your plea being made
24 voluntarily, that is of your own free will?

25 THE DEFENDANT: Yes.

I3M3WILP

Plea

1 THE COURT: Did you commit the offenses that are
2 outlined in the information?

3 THE DEFENDANT: Yes, I did.

4 THE COURT: Would you tell me in your own words what
5 it is that you did that makes you believe yourself guilty of
6 the offenses contained in the information?

7 THE DEFENDANT: Yes.

8 From 2016 to 2017, in the Los Angeles area, I
9 participated in a scheme to fraudulently induce individuals,
10 including one Aaron Mack and Chris Freeman, and others, to
11 invest in the packaging, distribution, production, and
12 marketing of feature films.

13 In connection with fraudulent misrepresentations that
14 I made to such individuals, I sent e-mails, made telephone
15 calls, and engaged in wire transfers.

16 In 2006 and 2007, in the Los Angeles area, I submitted
17 a fraudulent document that I created to a bank. I did this to
18 permit me to deposit and withdraw stolen funds.

19 In the summer and fall of 2017, I gave certain false
20 information to law enforcement about my prior fraudulent and
21 criminal activity.

22 These actions were wrong and illegal, and I knew that
23 at the time that I committed them. I accept the consequences
24 of what I have done, and I recognize and appreciate that I have
25 let down and hurt my wife, children, and family, and others

I3M3WILP

Plea

1 that I have worked with.

2 THE COURT: Are there any questions the government
3 would have me put to Mr. Williams?

4 MS. REILLY: Your Honor, no additional questions. As
5 to Count Two, the government would proffer that the bank in
6 question was FDIC insured, and that if this case were to
7 proceed to trial, the government would introduce evidence to
8 that effect.

9 Additionally as to venue, the government notes that
10 the defendant in his agreement with the government as to Counts
11 One and Two has waived venue, and the government can proffer as
12 to Count Three the statements in question were made to law
13 enforcement officials in the Southern District of New York.

14 THE COURT: Thank you.

15 Mr. Williams, I'm going to turn my attention to your
16 counsel again. Is there any reason you know of why your client
17 should not plead guilty?

18 MR. CECUTTI: No, your Honor.

19 THE COURT: Is the government aware of any reason why
20 Mr. Williams should not plead guilty?

21 MS. REILLY: No, your Honor.

22 THE COURT: If the matter were to proceed to trial,
23 what evidence would be offered by the government in support of
24 the charges made through information S7 16 CR 436?

25 MS. REILLY: Your Honor, if the case were to proceed

I3M3WILP

Plea

1 to trial, the government would expect to introduce testimony by
2 victims of the fraudulent schemes charged, as well as e-mail
3 and other documentary evidence, including the fictitious
4 documents referred to in the defendant's allocution, and bank
5 records relating to the financial transactions, as well as to
6 introduce the testimony of law enforcement officials involved
7 in the investigation in which the defendant made false
8 statements.

9 THE COURT: Can you tell me in a general way what the
10 testimony of the persons you indicated were victims would be.

11 MS. REILLY: Certainly, your Honor. The government
12 expects that if the case were to proceed to trial, it would
13 call multiple victims who would represent that the defendant
14 made false statements to them and provided fraudulent documents
15 in an effort to induce them to send him funds related to the
16 production and distribution of feature films.

17 THE COURT: And the e-mail messages and other
18 documents to which you've made reference, can you tell me in a
19 general way what those documents and e-mail messages would
20 show.

21 MS. REILLY: Certainly. As to Count One, the
22 government would expect to introduce e-mail communications
23 between the defendant and the victims to which I referred to
24 earlier, in which false statements were made about funds
25 purportedly invested by the defendant or available to the

I3M3WILP

Plea

1 defendant and about the business relationships the defendant
2 had, which would be in furtherance of the investment being made
3 by the victims.

4 With respect to Count Two, the government would expect
5 to introduce e-mail correspondence related to the underlying
6 scheme as well as the fraudulent documents submitted to the
7 FDIC insured financial institution.

8 THE COURT: And can you tell me in a general way what
9 the testimony of law enforcement officers to whom you made
10 reference would be.

11 MS. REILLY: Certainly. The government expects that
12 law enforcement officers would testify that in the summer and
13 fall of 2017, the defendant participated in in-person and
14 telephone proffer sessions with the government, and that in the
15 course of those sessions, he omitted material information about
16 his prior criminal conduct and made false statements about the
17 prior criminal conduct charged, particularly in Count One of
18 the S7 information.

19 THE COURT: Thank you.

20 I'm satisfied that Mr. Williams understands the nature
21 of the charges made against him and the consequences of his
22 plea of guilty. I'm satisfied that the plea is being made
23 voluntarily and knowingly, and that there is a factual basis
24 for the plea. So I shall report and recommend to the assigned
25 district judge that the plea be accepted.

I3M3WILP

Plea

1 I'll fix a date for the sentencing proceeding. The
2 parties should contact the assigned district judge to determine
3 whether the date is convenient for such a proceeding.

4 April 23, 2018.

5 I shall direct that a presentence report be prepared
6 prior to the date of sentence. In connection with the
7 preparation of that report, the government should provide its
8 case summary materials to the probation office not later than
9 14 days from today. The defendant and his counsel should make
10 themselves available for an interview with the probation office
11 not later than 14 days from today. The government should
12 obtain a transcript of the minutes made during this proceeding
13 and present same to the assigned district judge before the date
14 of sentence.

15 Is there any request with respect to bail?

16 MS. REILLY: Yes, your Honor. The defendant has
17 previously been released on bail. In light of his additional
18 criminal conduct, including while released on bail, the
19 government is seeking remand at this time. The government has
20 conferred with defense counsel in connection with the March 12
21 agreement, and understands that the defendant consents to
22 detention.

23 THE COURT: What is the defendant's position on the
24 application?

25 MR. CECUTTI: Your Honor, we consent to detention.

I3M3WILP

Plea

1 THE COURT: In connection with the bail conditions
2 previously fixed, were there any financial obligations, that is
3 money or property posted in support of a bond?

4 MS. REILLY: No, your Honor. I don't believe so.

5 THE COURT: All right. The bail conditions that were
6 previously fixed and in place with respect to Mr. Williams are
7 hereby modified. I'm remanding you to the custody of the
8 United States marshal pending sentencing.

9 Is there anything else we need to address?

10 MS. REILLY: Nothing from the government, your Honor.

11 MR. CECUTTI: No, your Honor.

12 THE COURT: Thank you. Have a good day.

13 (Adjourned)

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